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**STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING**

In re:

Santa Clara Partners Mortgage
Corporation dba Partners Mortgage,

Respondent.

**NOTICE OF INTENT TO IMPOSE
FINE AND NOTICE OF RIGHT TO
REQUEST HEARING**

The licensing and regulation of mortgage brokers, mortgage bankers and escrow agencies in the State of Nevada is governed by Chapter 645B, Chapter 645E and Chapter 645A of the Nevada Revised Statutes (hereinafter "NRS"), respectively, and the regulations promulgated thereunder. The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (hereinafter the "Division") has the general duty to exercise supervision and control over mortgage brokers, mortgage bankers and escrow agencies pursuant to these chapters. Pursuant to that authority, the Division makes the following Factual Allegations, Violations of Law, and Order, as follows:

FACTUAL ALLEGATIONS

1. Santa Clara Partners Mortgage Corporation dba Partners Mortgage (hereinafter "Respondent") is a foreign corporation. Currently, Respondent's status with the Nevada Secretary of State is "active."

2. Pursuant to NRS 645B, Respondent was issued a mortgage broker license on November 20, 2001. Currently, Respondent's status with the Division is "closed."

3. Based upon information and belief, and at all relevant times herein mentioned, Respondent conducted mortgage broker activity out of its licensed offices located at 923 Incline Way, Suite 24B, Incline Village, Nevada 89451 ("Respondent's Licensed Incline Way Office") and 760 Mays Boulevard, No. 15-A, Incline Village, Nevada 89450 ("Respondent's

1 Licensed Mays Boulevard Office”).

2 4. Based upon information and belief, Linda Whitham was the qualified employee
3 (“QE”) of Respondent’s Licensed Mays Boulevard Office and conducted mortgage lending
4 activity on Respondent’s behalf until November 19, 2008, when she was removed as the QE.

5 5. Pursuant to NRS 645B.020, “[i]f a mortgage broker will conduct business at one or
6 more branch offices within this State, the mortgage broker must apply for a license for each
7 such branch office.” See, NRS 645B.020(2).

8 6. Pursuant to NRS 645B.900, “[i]t is unlawful for any person to offer or provide any of
9 the services of a mortgage broker or mortgage agent or otherwise to engage in, carry on or
10 hold himself out as engaging in or carrying on the business of a mortgage broker or mortgage
11 agent without first obtaining the applicable license issued pursuant to this chapter...” unless
12 the person is exempt from Chapter 645B of NRS and complies with the requirements for that
13 exemption.
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15 7. Pursuant to NRS 645B.400, “[a] person shall not act or provide any of the services
16 of a mortgage agent or otherwise engage in, carry on or hold himself out as engaging in or
17 carrying on the activities of a mortgage agent unless the person has a license as a mortgage
18 agent issued pursuant to NRS 645B.410.”
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20 8. Pursuant to NRS 645B.450, “[a] mortgage broker shall not associate with or employ
21 a person as a mortgage agent or authorize a person to be associated with the mortgage
22 broker as a mortgage agent if the mortgage agent is not licensed with the Division pursuant to
23 NRS 645B.410....” See, NRS 645B.450(2).

24 9. Pursuant to NRS 645B.060, with limited exception, the Division is charged with
25 conducting “an annual examination of each mortgage broker doing business in this State....”
26

27 See, NRS 645B.060(2)(d).

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1 10. Pursuant to NRS 645B.060, the Division conducted a regularly scheduled
2 examination of Respondent's books and records on November 20, 2009 which revealed that:

3 a. On February 13, 2009, when she was no longer QE, Linda Whitham
4 conducted mortgage agent activity on behalf of Respondent (including signing a 1003,
5 Conventional Loan Approval and Reasonable Means and Mechanisms Worksheet) out of
6 Respondent's office located at 1687 Eureka Road, Suite 100, Roseville, California 95661
7 ("Respondent's California Office");

8 b. On May 15, 2009, Josh Whitham conducted mortgage agent activity on
9 behalf of Respondent (including signing a 1003) out of Respondent's California Office;
10

11 c. Neither Linda Whitham nor Josh Whitham has ever been licensed by the
12 Division pursuant to Chapter 645B of NRS;

13 d. Respondent's California Office has never been licensed by the Division
14 pursuant to Chapter 645B of NRS; and

15 e. The above-referenced unlicensed mortgage agent activity by Linda Whitham
16 out of Respondent's California Office is a repeat violation from Respondent's annual 2007
17 examination.
18

19 11. Pursuant to NRS 645B.670, as it existed at the time of the above-mentioned
20 violations, "[f]or each violation committed by a mortgage broker, the Commissioner may
21 impose upon the mortgage broker an administrative fine of not more than \$10,000, may
22 suspend, revoke or place conditions upon his license, or may do both, if the mortgage
23 broker...[i]s grossly negligent or incompetent in performing any act for which he is required to
24 be licensed pursuant to the provisions of this chapter...[d]oes not conduct his business in
25 accordance with law or has violated any provision of this chapter, a regulation adopted
26 pursuant to this chapter or an order of the Commissioner..." See, NRS 645B.670(2)(b), (c).
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VIOLATIONS OF LAW

After investigating this matter, the Division determined that:

a. Respondent conducted unlicensed mortgage broker activity relating to loans on properties in Nevada out of Respondent's California Office, in violation of NRS 645B.900 and NRS 645B.020(2);

b. Respondent associated with or employed Linda Whitham as a mortgage agent, or authorized Linda Whitham to be associated with or employed by Respondent as a mortgage agent, when she was neither licensed with the Division as a mortgage agent pursuant to NRS 645B.410 nor designated as Respondent's QE, in violation of NRS 645B.450(2), NRS 645B.670(2)(b), (c) and Nevada Administrative Code 645B.055(2)(a);

c. Respondent associated with or employed Josh Whitham as a mortgage agent, or authorized Josh Whitham to be associated with or employed by Respondent as a mortgage agent, when he was not licensed with the Division as a mortgage agent pursuant to NRS 645B.410, in violation of NRS 645B.450(2) and NRS 645B.670(2)(b), (c); and

d. Respondent's violations of Chapter 645B of NRS are repeat violations from its prior examination in 2007.

ORDER

NOW, THEREFORE, THE COMMISSIONER OF THE DIVISION HEREBY ORDERS, pursuant to NRS 645B.750, that upon written application to the Division within **twenty (20) days** of the date of this Order, Respondent shall be entitled to a hearing with regards to the contents of this Order referenced below. At that hearing the Division will seek:

a. The imposition of an administrative fine against Respondent in the amount of Five Thousand Dollars and No Cents (\$5,000.00), payable to the Division on account of Respondent's multiple violations of Chapter 645B of NRS, the Division's investigative costs in

1 the amount of One Hundred Eighty Dollars and No Cents (\$180.00) as well as the Division's
2 attorney's fees, if any, incurred herein, each to be proven at the hearing; and

3 b. Respondent's payment, in full, of the administrative fine, costs and fees to the Division
4 within **thirty (30) days** of entry of the Final Order.

5 Should Respondent request a hearing, Respondent is advised of the following:

6 a) Respondent is entitled to be represented by legal counsel at its own cost and expense; b) At
7 any hearing Respondent shall be entitled to respond and to present evidence and argument on
8 all issues involved; c) Requests may be made to the Commissioner for the issuance of
9 subpoenas; however, the Commissioner may request the proposed testimony of any such
10 person prior to the issuance of the subpoena; and d) Unless precluded by law, the parties may
11 agree to an informal resolution or settlement prior to any hearing.
12

13 Should Respondent not request a hearing within **twenty (20) days** of the date of this
14 Order, the Division will enter a Final Order in this matter against Respondent, as otherwise
15 required by law.

16 Dated this 12th day of May, 2010.

17
18 State of Nevada
19 Department of Business and Industry
20 Division of Mortgage Lending

21 By: Joseph L. Waltuch
22 Joseph L. Waltuch, Commissioner
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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on , May 13, 2010, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing, NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING for SANTA CLARA PARTNERS MORTGAGE CORPORATION DBA PARTNERS MORTGAGE, addressed as follows:

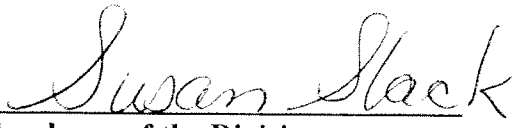
**Dan Trinidad
Santa Clara Partners Mortgage Corporation
dba Partners Mortgage
P.O. Box 5760
Incline Village, NV 89450**

Certified Receipt Number: 7006 2760 0000 0876 3800

**Dan Trinidad
Santa Clara Partners Mortgage Corporation
dba Partners Mortgage
760 Mays Blvd. #15-A
Incline Village, NV 89451**

Certified Receipt Number: 7006 2760 0000 0876 3817

DATED this 12th day of May, 2010

By: 
Employee of the Division